

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Stanford L. Burris :
Plaintiff, :
Civ. No. 04-1469-SLR
v. :
Richards Paving, Inc. :
Defendant :

**DEFENDANT RICHARDS PAVING, INC.,'S
MOTION IN LIMINE TO PRECLUDE PLAINTIFF FROM CLAIMING,
ARGUING, OR PRESENTING EVIDENCE THAT HE IS ACTUALLY
DISABLED WITHIN THE MEANING OF
THE AMERICANS WITH DISABILITIES ACT**

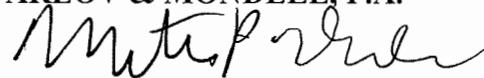
Defendant Richards Paving, Inc., (hereafter referred to as "Richards Paving") hereby moves this Court to enter an order granting its Motion in Limine to plaintiff from claiming, arguing or presenting evidence that he is actually disabled within the meaning of the Americans with Disabilities Act (hereafter the ADA).

1. It is anticipated that plaintiff will attempt to testify that he is actually disabled under the ADA.
2. However, during his deposition testimony, plaintiff testified that he did not consider himself disabled in any life function, including working. (Exhibit A).
3. Furthermore, there has been no expert report to confirm that plaintiff is actually disabled under the ADA.
4. Under the Federal Rules of Evidence (hereafter F.R.E.), rule 403, relevant evidence may be excluded if its probative value, substantially outweighs the danger of unfair prejudice, confusion of the issues or misleading the jury.

5. In this case, it would be severely prejudicial and contradictory to plaintiff's previous testimony, to introduce any evidence or testimony that plaintiff is actually disabled since he does not consider himself disabled.

WHEREFORE, for the reasons stated above, Richards Paving respectfully request that this Court grant defendant's Motion in Limine.

ELZUFON AUSTIN REARDON
TARLOV & MONDELL, P.A.



Matthew P. Donelson, ID #4243
300 Delaware Avenue, Suite 1700
P.O. Box 1630
Wilmington, DE 19899-1630
(302) 428-3181
Attorney for Defendant
Richards Paving, Inc.

Dated: October 30, 2006

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Stanford L. Burris

:

Plaintiff,

:

Civ. No. 04-1469-SLR

v.

:

Richards Paving, Inc.

:

Defendant

ORDER

AND NOW, this _____ day of _____, 2006, it is ORDERED that Defendant Richards Paving, Inc.s' Motion in Limine to preclude any testimony by plaintiff regarding his actual disability is hereby GRANTED.

IT IS SO ORDERED

J.